

CITY OF JACKSONVILLE GOVERNMENT ETHICS BOARDS AND COMMISSIONS MANUAL



Most Common Danger Areas



**ACCEPTING GIFTS
FROM VENDORS/LOBBYISTS**



**CAMPAIGNING AT
PUBLIC MEETINGS**



**MISSING REQUIRED
ETHICS TRAINING**



**NOT ALLOWING
PUBLIC COMMENT**



**CONFLICTS OF
INTEREST**



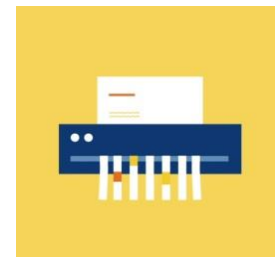
**MISUSE OF
POSITION**



**SUNSHINE
VIOLATIONS**



**VOTING
CONFLICTS**



**DESTROYING PUBLIC
RECORDS**

**For the purposes
of this manual,
"City Board" or
"board" refers to
all City boards,
commissions, task
forces, advisory
boards and
bodies.**

INSTRUCTIONS & ITEMS TO RETURN

Boards and Commissions

Ethics Training Instructions

Congratulations on your appointment to a City board or commission! You are now designated as a City Official. In this role, you are given roles and responsibility as outlined by the Executive Order or Municipal Code Provision establishing your board or commission.

To help you make the most of your service to our City and its residents, the Office of Ethics, Compliance and Oversight has developed this Boards and Commissions Manual to make sure you are aware of the rules that now apply to you as a City Official. ***Before you discuss anything related to your board with any other member of your board, please complete the following:***

1. Study the following pages:

- Your duties under state Sunshine and Public Records laws (**page 10**)
- Your duties under state and local Ethics laws (**page 13**)
- Your duty to complete Ethics Training (**page 25**)

2. Complete the following:

- Complete Self-Assessment for Conflicts of Interest (**page 17**)
- Complete Self-Assessment for Financial Disclosure Filers (**page 19**)
- Complete Self-Assessment for Quasi-Judicial Action (**page 26**)
- Return completed Knowledge Check (**pages 4-5**)

3. Register for a 2023 ethics training session (within 6 months of appointment to the board). Send your completed Knowledge Check, the name of your board, and your preferred date to Ethics@coj.net no later than 10:00 am your preferred training date.


- | Virtual Training Dates (Zoom) | In-Person Training Dates (Lynwood Roberts Room) |
|--------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> January 19, 12:00 – 1:00 pm | <input type="checkbox"/> March 23, 12:00 – 1:00 pm |
| <input type="checkbox"/> May 25, 12:00 – 1:00 pm | <input type="checkbox"/> July 27, 12:00 – 1:00 pm |
| <input type="checkbox"/> September 28, 12:00 – 1:00 pm | <input type="checkbox"/> November 30, 12:00 – 1:00 pm |

Additionally, you are encouraged to read the manual in its entirety before attending your first board meeting. It includes helpful information on ADA compliance, Robert's Rules of Order, and more. If you ever have any questions or concerns, our office is here to help! Please feel free to reach out at any time. Thank you for taking your time to contribute to our community in this way.

Kirby G. Oberdorfer, Director | Andrea B. Myers, Training Manager
Carla Miller, Senior Ethics Advisor | Paige Johnston, Ethics Attorney
City of Jacksonville, Office of Ethics, Compliance and Oversight
Ethics@coj.net or 255-5510

Knowledge Check

For Boards and Commissions



Please print out this two-page Knowledge Check prior to reviewing the material. We ask that you handwrite your answers and submit a scan or photo when completed. In order to register for the live-training date of your choice, please submit your completed Knowledge Check Ethics@coj.net. Trainings do occasionally fill up, so it is best to get the knowledge check in as soon as possible but the deadline is NO LATER THAN 10:00 am the day you wish to attend virtual live-training.

Please list your name and the name of the City board or boards on which you serve:

PAGE 10: What is the purpose of the Sunshine and Public Records laws?

PAGE 10: You have just been appointed to a City board and the chair invites you to lunch “to get to know each other better.” Can you go? If you go, are there any restrictions on topics you can discuss with the chair? Please explain.

PAGE 11: How will you preserve the documents you generate and receive related to your board's business?

PAGE 13: If you are offered tickets to a Jaguars game, including access to a private suite, name at least three questions you should be asking yourself and/or the giver BEFORE accepting the gift?

PAGE 13: You receive a gift of four concert tickets valued at \$75 each. Please select all those below from whom you can legally accept that gift:

- Staff to City board
- A paid lobbyist with business before your board
- A neighbor (that is not a lobbyist)
- Your adult child (who also is a paid lobbyist with business before your board)

PAGE 15: If you were running late for a board meeting and got pulled over by a police officer, would it be okay to tell the officer that you are on a City board? Why or why not?

PAGE 16: Please give three reasons there are rules against campaigning for yourself or others during a public meeting.

PAGE 17: How are voting conflicts and conflicts of interest different?

PAGE 19: Are you required to file financial disclosures? If so, when are you required to file them?

PAGE 25: When are you required to complete ethics training?

When complete, send a picture or scanned image to Ethics@coj.net!

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SUNSHINE

State Sunshine Law and Public Records Law



OVERVIEW

Through the Government in the Sunshine and Public Records laws, the State of Florida leads the nation in government transparency. To build public trust, these laws establish the right of citizens to observe decision-making at the state and local government levels. In practice, this generally means that all communications and records related to City business are for the benefit of the public, and therefore must be accessible and/or made available upon request.

SUNSHINE LAW

The Sunshine Law applies when two or more individuals on the same board discuss an issue that could come before their board. Under the Sunshine Law, any communication with another board member regarding issues that may come before your board must occur only at a meeting noticed to the public and press. This means you and other board members cannot discuss outside of noticed meetings any issues your board may potentially consider. Thus, you should avoid discussing issues with fellow board members (1) in the meeting room before or after a public meeting, (2) via email, texts, social media, telephone, or letters, (3) during casual gatherings or chance encounters, or (4) by using third party liaisons to communicate between each other.

The Sunshine Law applies to all board meetings, including committees and sub-committees. Additionally, the Sunshine Law applies to a single board member when that member acts as the sole decision maker for the board as a whole, such as the negotiation of contract terms or vendor selection.

The Sunshine Law has three basic requirements :

- Discussion must take place at meetings open to the public;
- Reasonable notice of such meetings must be given; and
- Minutes must be taken and promptly recorded.

HIGHLIGHTS

- ❑ **ONLY discuss issues at publicly noticed meetings.**
- ❑ **ASK thoughtful questions during public meetings before voting to avoid the appearance that things have been already decided and to let citizens see your thought process.**
- ❑ **AVOID side-bar conversations during a meeting.**
- ❑ **AVOID conversation while entering and exiting the board meeting, even if you have already voted on an issue.**
- ❑ **Individual board members CAN discuss issues with employees of the City and other agencies.**
- ❑ **Individual board members CAN share relevant information with other board members between meetings. ASK your board staff to send a one-way email.**
- ❑ **Two or more board members CAN attend and speak at a publicly noticed meeting held by a different board, but they cannot engage with each other.**

You are responsible for ensuring that public meetings for your board comply with the Sunshine Law, including (1) the posting and distribution of meeting notices in a reasonable time prior to meetings and (2) taking of written minutes at all meetings. City staff assigned to your board typically handle the posting and distribution of meeting notices and the taking of minutes. However, you are responsible for confirming this is occurring. If no City staff is at your public meeting, you must take minutes yourself.

Requirements for notices and minutes :

1. Notices should be posted 7 days before a regular meeting, and at least 24 hours before a special or emergency meeting.
2. Notices must include a date, start time, and location of the meeting. When possible, notices should also include an agenda or list of topics to be addressed at the meeting.
3. Written minutes must be recorded and available for inspection.

The Sunshine Law also requires that the public has an opportunity to comment before any final action is taken by your board.

Violating the Sunshine Law could result in fines up to \$500, 60 days in jail, and civil suits that may invalidate board decisions and an award of attorney's fees.

PUBLIC RECORDS

All records related to the transaction of government business are public records and must be made available to the public upon request. This includes all emails, text messages, social media postings, documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, and handwritten notes related to your board business – regardless of whether they are in their final form and regardless of where they are kept. *Even personal notes and draft documents intended for personal use become public records if they are communicated to anyone else.*

To help preserve records related to your board, you should keep a binder of all board records to provide to the City at the end of your board service. You should also forward all emails regarding board business to the City staff that supports your board. If you receive any request for records related to your board, immediately forward the request to the board staff so the request can be handled correctly and in a timely fashion.

Penalties for destroying or failing to maintain public records can include maximum of one year in jail and criminal fines; civil penalties, including \$500 fine.

- DO NOT prevent the public from attending public meetings.**
- DO NOT ask anyone to leave a public meeting.**
- DO NOT begin the meeting early, not even by one minute.**
- ASK the Ethics Office if you are not sure.**

REQUIREMENTS


- Should provide notice 7 days in advance whenever possible.**
- Public meetings MUST be in buildings that are accessible to all members of the public, including persons with disabilities**
- Allow public COMMENT before final action is taken.**

PUBLIC RECORDS

- DO NOT destroy or delete records related to City business.**
- ANY RECORDS related to City business that are located in personal e-mail accounts or on personal devices (including cell phones) are public records, including text messages and emails.**
- CREATE A SYSTEM to store your public records so they can be easily retrieved, such as scanning documents and saving texts.**
- BE PREPARED to respond to requests for public records.**

GOVERNMENT ETHICS

State and Local Ethics Laws For Boards and Commissions



Government ethics is distinct from personal ethics and relates primarily to the fairness and transparency of the institution rather than an understanding between right and wrong. The state and local Ethics Codes are designed to prevent even an appearance that public officials are using their government positions for their personal gain at the expense of the community as a whole.

In addition to Sunshine and Public Records Laws, the state and local Ethics Codes require that all board members follow a code of conduct for public officials. These codes cover varied topics, including acceptable gifts, conflicts of interests and bribes. Below you will find a quick summary of the Ethics Codes danger areas most often encountered by board members. This list is meant to help you identify potential issues BEFORE they become problems for you or the City. If you have questions, you can reach out to our office or you can find links to the complete laws in the Resources section (see Part IV below).

GIFTS

Gifts are a major danger area when it comes to government ethics for two reasons:

(1) gifts are used to influence the decisions of public officials and (2) gifts can be difficult to identify at times because they come in so many different forms. A gift is broadly defined as anything given to you, done for you, or given to someone else on your behalf. However, gifts do not include things given by relatives or the salary, benefits, fees, commissions, gifts, or expenses related to your employment or business.

Gifts do not need to be connected to or given as a result of your City board position to qualify as a gift under the Ethics Codes. The best policy is to not accept any gifts.

- Do not accept gifts in excess of \$100 at a time, or \$250 in a year, from anyone lobbying or doing business with your board. If you receive this kind of gift, you have 90 days to return it or pay down the value to \$100.
- Travel or expenses for conferences related to your board and paid on your behalf by anyone outside the City are gifts.
- Do not ask anyone lobbying or doing business with your board for anything (favours, gifts, etc.) for you or your family.
- Do not accept a gift with the understanding that it will influence your board decisions, such as "I will do this if you give me that."
- Please note: members of boards listed on page 20 must file gift disclosures.**
- Read more: Florida Statutes sections 112.313(2), 112.313(4), 112.3148 and Jacksonville Code sections 602.701 and 602.702.*

CONFLICTS OF INTEREST

Conflicts of interest arise any time you have a personal interest that could be at odds with your position as a City Official. These conflicts are distinct from voting conflicts. Here are some of the most frequent conflicts of interest issues that arise:

- ❑ ***See the Conflicts of Interest Self-Assessments on page 17.***
- ❑ Doing business with the City or your board (includes you, your family, your employer/business, business partners and any entity on whose board you serve).
- ❑ Working as an employee, consultant or independent contractor for any company doing business with the City or your board.
- ❑ Participating in any legal actions or claims against your board.
- ❑ Appearing on behalf of or representing others before your board (excluding yourself, spouse, parents or child).
- ❑ Holding another office in local or state government.
- ❑ Personally benefitting from your former board or representing another person/entity for compensation before your former board for a period of 2 years after leaving your board position (applies only to members of boards that file Form 1 financial disclosure statements--**see page 19**), "Personally benefit" includes lobbying, being employed by or serving as a consultant for your former board.
- ❑ Failing to disclose in writing your interest in a bid or contract related to your board (applies only to members of Independent Authority boards).
- ❑ *Read more: Florida Constitution Article II, section 5(a); Florida Statutes sections 112.313(3), 112.313(7), and Jacksonville Code sections 602.402, 602.406, and 602.408.*

VOTING CONFLICTS

Voting conflicts are separate from conflicts of interest. They arise any time you, your relatives, employer, clients, or business associates have a financial interest in a matter your board will vote upon. Voting conflicts are interpreted much more broadly than prohibitive conflicts of interest.

- ❑ ***See the Conflicts of Interest Self-Assessments on pages 17-18.***
- ❑ Do not vote on an issue in which you, your relatives, employer, clients or business associates have a special economic gain/loss.
- ❑ Voting conflicts can arise from matters unrelated to your board or the vote if there is a connection between you, your relatives, employer, clients or business associates and the person or entity the vote will impact.
- ❑ Once a voting conflict is identified, make sure you follow the procedures for declaring a voting conflict, including abstaining from voting and filing a Form 8B memo of voting conflict.
- ❑ *Read more: Florida Statutes section 112.3143.*

LOBBYISTS

- ❑ Lobbyists must register before they can try to influence any governmental decision making in the City. Please ask the City staff for your board to check the online lobbyist registration system before taking meetings with lobbyists related to your City board.
- ❑ Lobbyists cannot give illegal gifts: gifts over \$100 or combination of gifts over \$250 in a year. Please do not accept these gifts.
- ❑ Lobbyists also cannot give any gifts with the understanding that your board decision will be influenced. Please do not accept these gifts.
- ❑ *Read more: Florida Statutes sections 112.313(2) and 112.313(4); Jacksonville Code sections 602.703 and 602.801.*

MISUSE OF POSITION

Board members should not receive a special benefit or gain from your service as a City Official. A general rule of thumb is to ask yourself, "is this benefit accessible by the general public?" If the answer is no, you are in a danger area. For further clarity, here are some of the most frequent misuse of position danger areas that arise:

- ❑ Using your board position for a personal gain for you, your family or business associates.
- ❑ Using the phrase, "Do you know who I am?" to obtain a benefit for you, your family or business associates.
- ❑ Disclosing confidential City information.
- ❑ Lending or borrowing money from City personnel you work with. The limit is \$100 for those in your City chain of command and \$500 for anyone else.
- ❑ City property, computers, internet and time should be used for City business only. This includes a prohibition on using City resources, such as City email addresses, for campaigning.
- ❑ Appointing, employing, promoting, or advancing your relative to a position in an agency over which your board has authority.
- ❑ *Read more: Florida Statutes sections 112.313(6), 112.313(8), 112.3135 and Jacksonville Code section 602.401.*

GOVERNMENT ETHICS REQUIREMENTS

Board members are required to complete ethics training (see **page 23**) to learn about their responsibilities as City Officials, including cooperation and assistance with government investigations.

- ❑ All board members must complete ethics training within 6 months of appointment and renew their training every four years thereafter.
- ❑ Board members are required to cooperate in all government investigations concerning their duties or matters related to their board, including Ethics Commission, Ethics Officer, State Attorney's Office, or United States Attorneys' Office investigations.
- ❑ *Read more: Jacksonville Code sections 50.109 and 602.1205.*

ACCESS TO CITY MEETINGS

- ❑ The local Ethics Code lists 8 specific ways City Officials are prohibited from interfering, obstructing or generally disrupting a City inquiry/investigation, hearing, proceeding or public meeting.
- ❑ City Officials also cannot intimidate a witness or prevent a person from appearing or speaking at City meetings.
- ❑ *Read more: Jacksonville Code section 602.407.*

CAMPAIGN SEASON ETHICS

- ❑ Jacksonville Ordinance Code, Section 350, Part 3, prohibits all campaign activities in City buildings, including all boards meetings.
- ❑ The following campaign and political activities are prohibited at board meetings:
 - ❑ Candidates cannot announce their candidacy or give speeches.
 - ❑ Elected officials cannot state they are running for office or discuss their respective campaigns.
 - ❑ Candidates cannot distribute campaign materials.
 - ❑ Campaign contributions cannot be made, requested or accepted in City buildings.
 - ❑ Violations are a Class A offense of the Jacksonville Municipal Code.

Conflicts of Interest Self-Assessments For Boards and Commissions



Conflicts of interest may arise if there is overlap between your governmental duties and personal interests. The Ethics Office is here to help you protect yourself against the two types of potential conflicts of interest in state ethics laws:

1. Prohibitive Conflicts or “Big Conflicts”: These arise from contractual or business relationships with the City or your board. These could require you to give up your private interests, your board position, or the business with the City or your board. To identify potential issues, we recommend you list all of your business connections and answer the questions below.
2. Voting Conflicts or “Little Conflicts”: These arise when you, your relatives, employer, clients or other business associates might have a financial interest or loss in relation to a vote your board is taking. This can be cured by declaring your voting conflict and abstaining from voting.

In either case, the Ethics Office is here to help. If you are not sure what to do, please review the self-assessments below and call the Ethics Office.

To determine if you may have a prohibitive conflict of interest, please answer the following questions:

1. Are you (or your spouse/child) employed by, or an officer, partner, or director of an entity either (1) doing business with or (2) receiving funds from the City of Jacksonville (including independent authorities)?
2. Do you (or your spouse/child) own a business or have any financial interest or ties to an entity that is either (1) doing business with or (2) receiving funds from the City of Jacksonville (including independent authorities)?
3. Do you engage in any consulting or contract work with a business that is either (1) doing business with or (2) receiving funds from the City of Jacksonville (including independent authorities)?
4. Are you (or your spouse/child) a board member (voting or non-voting) of any nonprofit or corporate entity that is either (1) doing business with or (2) receiving funds from the City of Jacksonville (including independent authorities)?

To determine if you may have a voting conflict, please answer the following questions:

1. Is your board voting on an issue that could result in a special benefit or loss to you, your relatives, business/employer, clients/clients of your employer (even if you are not directly involved), or business associates?
2. Is the benefit or loss economic in nature?
3. Is the benefit or loss affecting a small number of individuals or businesses?

If you answered yes to any of the questions above, do not worry! Conflicts happen all the time and the Ethics Office will work with the Office of General Counsel to provide guidance on how you should proceed in order to comply with state ethics laws. Please know that whenever possible, conflicts need to be identified and reviewed in advance of a meeting because it takes time to determine how to address them.

Call the Ethics Office prior to your board meeting at 904-255-5510 or send an email to ethics@coj.net for more information.

TIPS ON HANDLING A VOTING CONFLICT

If your board is preparing to take a vote on an issue and you, your relatives, business/employer, clients or business associates have a connection to the entity or person that will be impacted by the vote, you need to take the following steps:

1. Call the Ethics Office or Office of General Counsel attorney for your board.
2. Complete the Form 8B Voting Conflict memo for each vote that will take place related to the conflict.
3. File the Form 8B before the meeting with the person who takes the minutes and ensure the person taking minutes distributes your Form 8B to your board immediately.
4. Ensure your Form 8B is read at the meeting before the vote.
5. Prior to participating in any discussion on the issue, declare the nature of the voting conflict by advising of your relationship to the entity or person that will be impacted by the vote. **To assist you in properly declaring a voting conflict, here is an example: "I need to declare a voting conflict on _____ because (explain relationship to entity/person impacted by vote), who/which will receive an economic benefit or loss from this vote. I am abstaining from voting and I have filed my 8B Voting Conflict form with _____ who is taking the minutes of the meeting.**
6. Abstain from voting.

NOTE: If the voting conflict is unknown prior to your board meeting, follow steps 5-6, modify the sample declaration above to indicate you WILL file Form 8B, and then be sure to file the Form 8B within 15 days of the meeting.

Financial Disclosure Self-Assessment For Boards and Commissions



Florida Statutes sections 112.3145 and 112.3148 require members of specific City boards to file an annual disclosure statement of their financial interests (Form 1) and a quarterly gift disclosure (Form 9) for any acceptable gifts received in the prior calendar quarter.

Are you a member of one of the following boards?

- Building Codes Adjustment Board
 - City of Jacksonville Retirement System Pension Board of Trustees
 - Downtown Investment Authority
 - Jacksonville Aviation Authority
 - Jacksonville Electric Authority
 - Jacksonville Ethics Commission
 - Jacksonville Electric Authority
 - Jacksonville Health Facilities Authority
 - Jacksonville Housing Authority
 - Jacksonville Police & Fire Pension Fund Board of Trustees
 - Jacksonville Port Authority
 - Jacksonville Transportation Authority
 - Planning Commission
 - Public Nuisance Abatement Board
-
- If YES, you are a financial filer and need to continue to the next page.**
 - If NO, you DO NOT need to file financial or gift disclosures at this time. However, additional boards may occasionally be added to the list. The Ethics Office or your City staff may share updated information regarding the filing of financial disclosures from time to time.**

Financial Disclosure Summary

For Boards and Commissions

IF YOU ARE A FINANCIAL DISCLOSURE FILER, YOU ARE REQUIRED TO FILE THE FOLLOWING THREE FORMS: (1) FORM 1, (2) FORM 1F, AND (3) FORM 9.

FORM 1 - FINANCIAL DISCLOSURE FORM

Requires sources of income, not actual amounts. Must be filed on the following dates **with the Supervisor of Elections for the county in which you reside** :

- Within 30 days of initial appointment-** generally the date you are confirmed by City Council (file for entire prior calendar year, like taxes)
- July 1 of each year** (file for entire prior calendar year, like taxes)

FORM 1F - FINANCIAL DISCLOSURE FORM

- Within 60 days of leaving** your board (file Form 1F which covers time served in the current calendar year)

Note: The State Ethics Commission imposes significant fines and penalties for failing to file timely and accurate financial disclosures.

FORM 9 - GIFT DISCLOSURE FORM

If you are required to file state financial disclosure forms, you are also required by **state law** to file a quarterly GIFT DISCLOSURE (Form 9) detailing gifts you received from allowable sources that are valued over \$100. Please note the following:

- Gifts from relatives are acceptable regardless of the value, even if the relative is a lobbyist. These gifts are not reported on a Form 9.
- Gifts related to your employment are acceptable and not reported on a Form 9.
- Gifts over \$100 from lobbyists, vendors, and entities doing business with your board are illegal and are not reported on a Form 9. If you accept this kind of gift, you have 90 days to return it or pay down the value to \$100.
- All other gifts over \$100, regardless of who they come from or whether they are unrelated to your City board position, must be disclosed on a Form 9. This could include holiday gifts from neighbors or shared vacations with family friends.
- You are not required to file a Form 9 gift disclosure if you do not receive any acceptable gifts over \$100 during the prior quarter.

Form 9 must be ***filed directly with the State Ethics Commission*** per the instructions located on the form by the end of the calendar quarter following the quarter in which the gift was received. The due dates are outlined below and should be added to your calendar:

- March 31 (gifts received October-December of previous year)
- June 30 (gifts received January-March of current year)
- September 30 (gifts received April-June of current year)
- December 31 (gifts received July-September of current year)

ALL FORMS CAN BE FOUND ON THE STATE ETHICS COMMISSION WEBSITE

You can find these documents by clicking the link here:

<http://www.ethics.state.fl.us/FinancialDisclosure/DownloadAForm.aspx>

Note: The website changes periodically, but they always have the forms somewhere on the site!


If you have any questions regarding the completion of financial or gift disclosure forms, please contact the State Ethics Commission via the following information:

Kimberly R. Holmes
Program Administrator
Financial Disclosure Section
Florida Commission on Ethics
P.O. Drawer 15709
Tallahassee, FL 32317-5709
(850) 488-7864
(850) 488-3077 (Fax)
HOLMES.KIM@leg.state.fl.us

BOARD GOVERNANCE

Board Governance

Jacksonville Code, Chapter 50



Chapter 50 of the Jacksonville Ordinance Code applies to all boards, commissions and councils created by ordinance. While this section is not related to Ethics, we include an overview in this manual and in our ethics training for boards for your convenience.

Individual Requirements

Chapter 50 sets forth the following requirements that apply to board members individually. You:

Terms:

- Remain a member of the board until a new person is approved to take your place or you officially resign, even if your position has an established time frame.
- Cannot serve more than 2 consecutive full terms on your board.
- Must resign from board within 24 hours if you seek employment or paid position with department or agency that your board oversees

Residency Matters:

- Must maintain Duval County residency or substantial business ties throughout your term.
- Will automatically be removed as board member if residency or substantial business ties are not maintained throughout term

Attendance Matters:

- May be removed from board position if you miss 2 out of 3 consecutive meetings of the board without cause and approval from board chair
- Must maintain 75% or greater attendance at board meetings (committee meetings do not count for attendance record) to avoid appearing before City Council for reappointment.

Ethics Training Required:

- Must be trained within 6 months of appointment and every four years after initial training. See Required Ethics Training on page 26 for further details.
- Must acknowledge receipt of information regarding laws applicable to board members and an understanding of the legal requirements for board members (see Acknowledgement of Duties page 7)

Disclose Ex-Parte Communication:

- Members of certain boards must disclose information received outside of a public meeting when acting in a quasi-judicial manner. See Quasi-Judicial Self-Assessment on page 27 for further information.

Board Requirements

Additionally, Chapter 50 sets forth the following requirements for boards as an entity:

Number of Meetings Required:

- Every board must have at least one meeting every quarter.

Annual Report Required:

- Every board must submit an annual report to the City Council at the end of each fiscal year.
- The staff liaison for your board will generally prepare this in consultation with the members of the board.

Information Required by Council Auditor:

- Boards must comply with requests for information by Council Auditor and acknowledge receipt of request within 2 business days with estimated timeframe for providing requested information.

Required Ethics Training Provided by the City Ethics Office



To educate and assist City board members regarding the ethical responsibilities they have as City Officials, the City requires all board members complete ethics training required by the Ethics Office. Per Jacksonville Code section 50.109, every board member has to complete an ethics training session within six months of appointment. Training must be completed again every four years following the initial training to refresh education.

Ethics training lasts approximately 1 hour. Training covers laws applicable to board members, including state and local ethics laws, ADA compliance and diversity and inclusion issues. The Ethics Office keeps a record of your attendance at trainings and provides you a certificate upon completion.

Ethics training typically occurs in-person on a bi-monthly rotation in the Lynwood Roberts room at City Hall. However, when in-person training is interrupted, the Ethics Office may provide digital training to assist you in satisfying the requirement. **To receive information on how to complete the training, please RSVP by email (with your name and the name of your board) to the Ethics Training Coordinator at ethics@coj.net.**

If you would like to request any accommodations for ethics training pursuant to the Americans with Disabilities Act, please allow 1-2 business days to process the request. Last minute requests will be accepted, but may not be possible to fulfill. Please contact Disabled Services Division at: V (904) 255-5466, TTY (904) 255-5475, or email your request to KaraT@coj.net.

LIVE TRAINING GUIDELINES

If you are attending an in-person training, please follow these guidelines:

- Please check the online City Calendar on [coj.net \(http://www.coj.net/all-of-coj/upcoming-events/calendar.aspx\)](http://www.coj.net/all-of-coj/upcoming-events/calendar.aspx) on the DAY of your training to make sure it has not been rescheduled or cancelled. If you have RSVP'd for the training, you will be notified if there are any schedule changes.**
- DO NOT BE LATE! Persons who enter the training after it has begun will miss mandatory topics and therefore will not receive credit for attending. Please plan to arrive 5-10 minutes early to allow time for congestion and parking downtown.**
- Be mindful you will need to pass through security at City Hall. Do not bring anything into the building that might have to be returned to your car. Security will ask to see all electronic devices turned on and functioning.**

Quasi-Judicial Self-Assessment For Special Boards and Commissions

If you are on the following City boards, you may occasionally take quasi-judicial action, and you should keep reading. If you are not on one of these boards, skip ahead.

- Building Codes Adjustment Board
- Certificate of Use Board
- Civil Service Board
- Construction Trades Qualifying Board
- Context Sensitive Streets Standards Committee
- Downtown Development Review Board
- Environmental Protection Board
- Jacksonville Ethics Commission
- Jacksonville Historic Preservation Commission
- Jacksonville Human Rights Commission
- Planning Commission
- Tower Review Committee
- Value Adjustment Board

A small number of City boards rule on matters like a judge. This is referred to as “quasi-judicial” action and is covered in Chapter 50, Part II of the Jacksonville Ordinance Code.

If your board is holding a hearing or taking action on a matter that requires applying the law to a particular set of facts or circumstances, weighing evidence and drawing conclusions, there is a duty to make public all of the information you receive related to the case.

To ensure fairness to all parties involved, the Florida Supreme Court [has] ruled that because the act of **applying the law** to specific circumstances (such as zoning changes) is **judicial in nature**, the parties involved should be afforded most of the same protections as those presenting a case in court. These protections include the right to have all witnesses testify under oath, the right of opposing sides to ask questions of each other’s witnesses, and the right of each side to hear everything said to the decision maker.

This means if you receive information related to the case outside of a board meeting, you must share that information at the next meeting prior to voting on the matter. The procedure required to disclose the information depends on the type of information you received (e.g. through a site visit, phone call, email, or conversation). If this applies, please contact your City staff for directions on how to properly disclose this information.

Adapted from City of Port Orange Handbook for Appointed Boards & Commissions, pgs. 2-3

RESOURCES

Legal Guide

Links for Additional Reading on the Laws

The laws that apply to you as a City Official and board member are summarized in Parts I-III above. If you have questions, you can reach out to the Ethics Office at ethics@coj.net or you can find the laws and resources in full below.

1. State Sunshine Law and Public Records Law (see page 9)

- Florida Statutes Chapter 286 (Sunshine Law)
<https://www.flsenate.gov/Laws/Statutes/2019/Chapter286>
- Florida Statutes Chapter 119 (Public Records Law)
<https://www.flsenate.gov/Laws/Statutes/2019/Chapter119>
- Government-In-The-Sunshine Manual published by Florida Attorney General's Office (The AG enforces state laws and has ultimate authority to interpret the Sunshine & Public Records statutes.) [http://myfloridalegal.com/webfiles.nsf/WF/MNOS-AXJGEU/\\$file/2018+Government+in+the+Sunshine+Manual.pdf](http://myfloridalegal.com/webfiles.nsf/WF/MNOS-AXJGEU/$file/2018+Government+in+the+Sunshine+Manual.pdf)

2. State and Local Ethics Laws (see page 12)

- Florida Statutes Chapter 112, Part III (State Code of Ethics for Public Officers and Employees):
https://www.flsenate.gov/Laws/Statutes/2019/Chapter112/Part_III
- Jacksonville Code Chapter 602 (Local Code of Ethics for Public Officers and Employees):
https://library.municode.com/fl/jacksonville/codes/code_of_ordinances?nodetid=TITXVIJU_CO_CH602JAETCO
- State Financial and Gift Disclosure Forms: <http://www.ethics.state.fl.us>

3. Local Boards and Commissions Governance Laws (see page 22)


- Jacksonville Ordinance Code Chapter 50, Part I (see **page 23** – Required Ethics Training) and Part II (see **page 24** - Quasi-Judicial Action)
https://library.municode.com/fl/jacksonville/codes/code_of_ordinances?nodetid=TITIVBOCO_CH50ORBOCO

4. Local Laws Related to Purpose and Duties of Each Board and Commission

- Boards created by **Ordinance Code** can be found here:
https://library.municode.com/fl/jacksonville/codes/code_of_ordinances?nodetid=TITIGEPR
- Boards created by **Executive Order** can be found here: <https://www.coj.net/ogc/executive-orders-search> . If you have questions about the Executive Orders regarding your board, contact the Mayor's Office or City staff to your board.

Robert's Rules of Order

The Basics



All City boards are required by their by-laws or the Jacksonville Code to utilize Robert's Rules of Order to facilitate public meetings. Although this is not an "ethics issue," we have provided a brief overview below for your convenience.

The purpose of "Robert's Rules of Order" includes the following:

- Ensure majority rule
- Protect the rights of the minority, the absentees and individual members
- Provide order, fairness and decorum
- Facilitate the transaction of business and expedite meetings

Basic Principles

- All members have equal rights, privileges and obligations
- Full and free discussion of every motion is a basic right
- Only one question at a time may be considered, and only one person may have the floor at any one time
- Members have a right to know what the immediately pending question is and to have it restated before a vote is taken
- No person can speak until recognized by the chair
- Personal remarks are always out of order
- A majority decides a question except when basic rights of members are involved
- Silence gives consent. Those who do not vote allow the decision to be made by those who do vote

Role of the Presiding Officer

- The chair should remain impartial and only insert their opinion into the debate after everyone else has had a chance to speak
- Introduce business in proper order
- Recognize speakers
- Determine if a motion is in order
- Keep discussion germane to the pending motion & maintain order
- Put motions to a vote and announce results

General Procedure for Handling a Motion

- A member must obtain the floor by being recognized by the chair
- Member makes a main motion
- A motion must be seconded by another member before it can be considered
- If the motion is in order, the chair will restate the motion and open debate (if debatable)
- The maker of a motion has the right to speak first in debate
- The main motion is debated along with any subsidiary motions (e.g. "I move to amend the motion by ...", "I move to table the question.")
- Debate on subsidiary motions (if debatable) takes precedence over debate on the main motion and must be decided before debate on the main motion can continue.
- Debate is closed when: Discussion has ended or a vote closes debate ("Call the question")
- The chair restates the motion, and if necessary, clarifies the consequences of affirmative and negative votes
- The chair calls for a vote by first asking "All in favor?" Those in favor say "Aye." Then asking "All opposed?" Those opposed will say "No" and finally asking "All abstained?" Those abstaining will say "Aye". The chair announces the result

General Rules of Debate

- No members may speak until recognized by the chair
- All discussion must be relevant to the immediately pending question
- No member can speak more than once to each motion
- No member can speak more than three minutes
- All remarks must be addressed to the chair – no cross debate is permitted
- It is not permissible to speak against one's own motion (but one can vote against one's own motion)
- Debate must address issues and not personalities – no one is permitted to make personal attacks or question the motives of other speakers
- When possible, the chair should let the floor alternate between those speaking in support and those speaking in opposition to the motion
- Members may not disrupt the assembly
- Rules of debate can be changed by a vote

Robert's Rules Help Get Things Done!

- Make Motions – that are in order
- Obtain the Floor - properly
- Speak – clearly and concisely
- Obey – the rules of debate
- And most of all, be courteous! That's always in order!

ADA Compliance

For Boards and Commissions



As part of making meetings open to the public under the Sunshine Law, they must be accessible to individuals with disabilities. The City's Disabled Services Division provides numerous services, including braille transcribing, that can make your meetings and handouts more accessible. They also recommend preparing large-font copies of handouts and using "people first" language when communicating with people with disabilities.

PEOPLE FIRST LANGUAGE SAYS THIS

People with disabilities.
He has a cognitive disability/diagnosis.
She has autism (or a diagnosis of...)
He has Down syndrome.
She has a learning disability (diagnosis).
He has a physical disability (diagnosis).
She's a little person.
He has a mental health condition.
She uses a wheelchair/mobility chair.
He receives special ed services.
She has a developmental delay.
Children without disabilities.
Communicates with her eyes/device.
Congenital disability
Brain injury
Accessible parking, hotel room, etc.
She needs... or she uses...


INSTEAD OF THIS

The handicapped or disabled.
He's mentally retarded.
She's autistic.
He's Down's; a mongoloid.
She's learning disabled.
He's a quadriplegic/is crippled.
She's a dwarf/midget.
He's emotionally disturbed/mentally ill.
She's confined to/is wheelchair bound.
He's in special ed.
She's developmentally delayed.
Normal or healthy kids.
Is non-verbal.
Birth defect
Brain damaged
Handicapped parking, hotel room, etc.
She has problems with...

Excerpted from Kathie's People First Language article, available at www.disabilityisnatural.com.

City Contact List

For When Questions Arise



We have done our best in Parts I-III above to address the most common questions that arise, but you may have more questions after reviewing this manual. Please find a list of helpful individuals below, along with a brief overview of their expertise.

FOR QUESTIONS RELATED TO SUNSHINE, PUBLIC RECORDS, AND STATE AND LOCAL ETHICS LAWS, PLEASE CONTACT:

Kirby G. Oberdorfer, Director & Andrea B. Myers, Training Manager
Office of Ethics, Compliance and Oversight

ethics@coj.net

Office 255-5510

Hotline 630-1015

FOR QUESTIONS RELATED TO FRAUD, WASTE AND ABUSE , PLEASE CONTACT:

Inspector General, Office of Inspector General

inspectorgeneral@coj.net

630-8000

FOR QUESTIONS RELATED TO ACCESSIBILITY AND ADA INCLUSIVITY, PLEASE CONTACT:

Kara Tucker, Chief, Disabled Services Division

KaraT@coj.net

255-5466

FOR QUESTIONS RELATED TO HUMAN RIGHTS AND INCLUSIVITY, PLEASE CONTACT:

Wendy Byndloss, Director, Jacksonville Human Rights Commission

ByndlossW@coj.net

255-5372

FOR ALL OTHER CITY ISSUES, CONTACT THE CITY'S HELPLINE:

myjax@custhelp.com

630-CITY (2489)

Notes



Notes

